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4 UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
5 AT TACOMA

6 MOUNTAINEERS FOUNDATION,

7 Plaintiff,

8 v.

9 THE MOUNTAINEERS,

10 Defendants.

Case No. C19-1819 RSL-TLF

ORDER RE: ELECTRONIC
DISCOVERY MEET-AND-CONFER

11 This matter comes before the Court on plaintiff's Motion for Entry of ESI Order
12 (Dkt. 22) and Motion for Protective Order (Dkt. 24). Plaintiff's requested oral argument
13 on both motions. Dkt. 22, 24. Defendant filed a response (Dkt. 27) and plaintiff filed a
14 reply (Dkt. 32, 33). The Court held oral argument on March 13, 2020.

15 Pursuant to the March 13, 2020 Oral Argument, and under Fed. R. Civ. P. 26, the
16 Court ORDERS:

- 17 • The parties are directed to consult with the vendors and/or in-house experts
18 that the parties will use for ESI discovery, and meet-and-confer regarding:
- 19 ○ the reality of whether there are technology options that would enable
20 the parties to preserve metadata while producing documents in native
21 format, and
 - 22 ○ whether the discovery platform the parties intend to use would allow
23 native format documents to be preserved in place, and collected using
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1 search methodologies; while also being able to produce discoverable
2 documents and data compilations in a format that can be Bates
3 stamped, or otherwise numbered in a sequence that allows the parties
4 to track the discovery.

- 5 • The parties are directed to meet-and-confer about ways in which the parties
6 may limit the date ranges needed and take a sample of volunteers within
7 those certain date ranges in order to assess a reasonable cost approach that
8 is consistent with proportionality.
- 9 • The parties are directed to meet-and-confer to determine attorney eyes only
10 criteria for volunteer and donor private information as well as criteria for
11 downgrading from attorney eyes only that can be applied to the volunteers
12 and separately applied to donors.
- 13 • The parties are further directed to establish criteria to identify individuals who
14 are in positions of authority in the top organizational tier of the nonprofit
15 entities, individuals beyond the lawyers, who could review the names and
16 provide feedback and information about the involvement of any specific
17 volunteer or donor in the organization.

18 Dated this 24th day of March, 2020.

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22 Theresa L. Fricke
23 United States Magistrate Judge
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